

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ERVIN CUMMINGS,

Plaintiff,  
-v-  
No. 9:14-CV-281  
(DNH/ATB)

CLINTON COUNTY LEGISLATURE, et al.,

Defendants.

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APPEARANCES:

OF COUNSEL:

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Pro se plaintiff Ervin Cummings brought this civil rights action. On July 22, 2014, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(iii). No objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

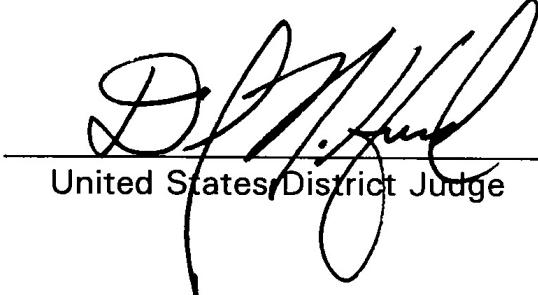
1. Plaintiff's complaint is DISMISSED WITH PREJUDICE as to all claims against defendants Clinton County Legislature; Commission of Correction; Clinton County Jail;

and Clinton County Medical Department;

2. Plaintiff's complaint is DISMISSED WITHOUT PREJUDICE to plaintiff filing an amended complaint with respect to medical care claims against defendant Favro/and or others as stated in the Report-Recommendation within sixty (60) days of the date of this Decision and Order; and

3. The Clerk is directed to serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.



United States District Judge

Dated: August 26, 2014  
Utica, New York.